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Attorneys for Defendants
VXN GROUP LLC; STRIKE 3 HOLDINGS, LLC;
GENERAL MEDIA SYSTEMS, LLC; and
MIKE MILLER

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

MACKENZIE ANNE THOMA, a.k.a.
KENZIE ANNE, an individual and on
behalf of all others similarly situated,

Plaintiff,

v.

VXN GROUP LLC, a Delaware
limited liability company; STRIKE 3
HOLDINGS, LLC, a Delaware limited
liability company; GENERAL MEDIA
SYSTEMS, LLC, a Delaware limited
liability company; MIKE MILLER, an
individual; and DOES 1 to 100,
inclusive,

Defendants.

Case No. **2:23-cv-04901 WLH (AGRx)**

**REQUEST FOR JUDICIAL NOTICE
IN RESPONSE TO PLAINTIFF'S
REPLY IN SUPPORT OF HER
MOTION TO REMAND**

Date: August 18, 2023
Time: 1:00 pm or later
Courtroom: 9B

Complaint Filed: April 20, 2023
Removed: June 22, 2023

**REQUEST FOR JUDICIAL NOTICE RE: PLAINTIFF'S REPLY TO HER
MOTION TO REMAND**

1 **TO THE COURT AND ALL PARTIES AND THEIR ATTORNEYS**
2 **OF RECORD:**

3
4 PLEASE TAKE NOTICE that, in accordance with Federal Rule of Evidence
5 201, Defendants VXN Group, LLC, Strike 3 Holdings, LLC, General Media
6 Systems, LLC, and Mike Miller (collectively “Defendants”) will, and hereby do,
7
8 request the Court to take judicial notice of the Plaintiff Thoma’s Private Attorney
9 General Action Complaint, attached as **Exhibit 1**, and filed on July 11, 2023 in the
10 Los Angeles Superior Court, Case No. 23STCV161422 (the “PAGA Action”) in
11
12 connection with Plaintiff’s Reply In Support of Plaintiff’s Motion to Remand (the
13 “Reply”),

14 Specifically, in the Reply, Plaintiff’s counsel represents to the Court that:

15
16 as she has already stated more than once, *Plaintiff does*
17 *not allege such extreme levels of statutory violations,*
18 but rather violations occurred ‘at times’ and ‘on
 occasion.

19 [Dkt. 18 at 3:1-3] (Emphasis in original.)

20 However, Plaintiff Thoma’s PAGA Action arises from the same facts and
21 circumstances—and against the same Defendants—as this Class Action. Yet,
22
23 Plaintiff Thoma’s PAGA Action does not use the phrases “at times” or “on
24 occasion” to describe the frequency of the alleged labor code violations. Instead,
25
26 Thoma and BLF’s PAGA Action uses the phrase “policy or procedure” sixteen (16)
27 times to describe the frequency of the alleged labor code violations.
28

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Dated: August 11, 2023

Respectfully submitted,

KANE LAW FIRM

By: /s/ Brad S. Kane

Brad Kane

Attorney for Defendants

VXN Group LLC; Strike 3 Holdings,
LLC; General Media Systems, LLC;
and Mike Miller

CERTIFICATE OF SERVICE

I, Brad S. Kane, hereby certify that this document has been filed on August 11, 2023, through the ECF system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing.

Dated: August 11, 2023

By: /s/ Brad S. Kane

Brad Kane